



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,867	07/20/2004	Edwin W O'Brien	540-513	5033
23117	7590	06/21/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			MAY, ROBERT J	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

18

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/501,867	O'BRIEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert May	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/20/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gray (US Pat 3,984,673).

Regarding Claims 1 and 7, Gray discloses in Figure 1, a cover 10 including a reflective element 18 angled with respect to the cover 10 for reflecting a portion of said emitted infrared radiation away from said cover and substantially away from said light source.

Regarding Claim 2, the reflective element 18 of Gray is construed to be an infrared reject filter.

Regarding Claim 3, Gray discloses the reflective element 18 to be a dichroic hot **mirror**.

Regarding Claim 9, Gray discloses the reflective element 18 as being between the light source 16 and the cover 10 and angled with respect to the cover 10 and the reflective element for reflecting a portion of the emitted infrared radiation away from the light cover and substantially away from the light source 16.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Bamber (US Pat 5,017,327). Gray fails to disclose the housing as comprising a synthetic polycarbonate material. Bamber discloses in Figure 1 a housing 11 advantageously made from a high temperature polycarbonate which would have been known to one of ordinary skill in the art be cheap to manufacture, plentiful and light weight and is explicitly disclosed by Bamber to be temperature resistant (Col 4, lines 6-8). Therefore, it would have been obvious to one of ordinary skill in the art to modify the housing of Gray with the polycarbonate housing of Bamber because it is a cheap plentiful material that is heat resistant.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray and Bamber as applied to Claim 4 and further in view of Gagnon (US Pat 3,650,808). Gray and Bamber do not disclose a scratchproof coating on the cover. Gagnon discloses polycarbonate surfaces as having a hard, acetone-resistant and mar-resistant coating on articles having a polycarbonate surface (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the

scratch proof coating of Gagnon on the polycarbonate cover of Gray and Bamber so that the surface is scratch proof and mar free.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Carlson. Gray fails to disclose the cover as comprising an aircraft exterior light cover. Carlson discloses a lighting system which diverts or suppresses infrared radiation away from the lights so as to avoid detection by conventional weapon systems (Col 1, lines 20-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the light cover of Gray comprise a an aircraft exterior light cover so as to divert the infrared radiation away from the light source so as to avoid detection by conventional weapon systems.

### ***Response to Arguments***

Applicant's arguments, see Pages 4-5, filed 6 April 2006, with respect to Claim 2 have been fully considered and are persuasive. The rejection of Claim 2 under 35 U.S.C. 112 1<sup>st</sup> paragraph has been withdrawn.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the reflective element being a separate structure as stated on Page 7 2<sup>nd</sup> paragraph of the remarks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's assertion that Seitz teaches the exact opposite of what Claims 1 and 9 require by reflecting the light directly towards the light source, the examiner disagrees and maintains that even though it reflects a portion towards the light source it also reflects the light away from the light source as can be seen from Figure 1. Furthermore, it is noted that the features upon which applicant relies (i.e., the reflected light is entirely reflected or only reflected away from the light source) are not recited in the rejected claim(s)

Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RM

6/13/06



RENEE LUEBKE  
PRIMARY EXAMINER